

FILED

08 MAY -7 PM 1:25

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 Daulen Jason Hughes #V22456
2 P.O. Box 8800
3 Corcoran State Prison
4 Corcoran, Ca 93212
5

6 In Pro Se
7
8
9

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14
15 Daulen Jason Hughes,
16 Petitioner,
17 V.
18 Derral Adams, Warden,
19 Respondent,
20

C 07-4442 CRB (PR)
Petitioners Reply To
Respondents Reply To
Petitioners Opposition
21
22

23 RESPONDENT REQUESTS THIS COURT TO DIS-
24 MISS PETITIONERS HABEAS PETITION AS
25 UNTIMELY. RESPONDENT'S REPLY TO PETITIONERS
26 OPPOSITION TO MOTION TO DISMISS HABEAS
27 CORPUS PETITION AS, UNTIMELY MISSTATES
28 FACTS OF PETITIONER'S OPPOSITION. THE

1 DILIGENCE EXERCISED BY PETITIONER IN
2 LIGHT OF THE CIRCUMSTANCES WHICH WERE
3 EXTRAORDINARILY BEYOND PETITIONER'S CONTROL
4 WARRANTS EQUITABLE TOLLING.

5
6 RESPONDENT IS CORRECT THAT PETITIONER
7 REQUESTS THE COURT TO EXCUSE HIS DELAY
8 FOR FILING HIS FEDERAL PETITION FOR WRIT
9 OF HABEAS CORPUS, BUT NOT BECAUSE PETITIONER
10 WAS PLACED IN AD-SEG FOR NINE OR TEN MONTHS
11 AND PETITIONER WAS TRANSFERRED TO ANOTHER
12 PRISON WHERE PETITIONER WAS PLACED IN
13 THE SEGREGATED HOUSING UNIT (SHU) FOR
14 ABOUT 14 WEEKS.

15
16 PETITIONER CONTENDS BEING PLACED IN
17 AD-SEG AND THE CIRCUMSTANCES COLLECTIVELY
18 SURROUNDING PETITIONER'S STAY IN AG-SEG
19 CREATED AN EXTRAORDINARY CIRCUMSTANCE.
20 (Espinoza - Matthews V. California 432 F.3d 1021 1026 9th
21 Cir. 2005)

22
23 PETITIONER INABILITY TO SECURE HIS LEGAL
24 DOCUMENTS DUE TO THE CONTROL THERE OF
25 BEING IN THE HANDS OF CORRECTIONAL OFFICERS
26 IS DEEMED A CIRCUMSTANCE BEYOND PETITIONER
27 CONTROL (Id.) RESPONDENT ASSERTION THAT
28 PETITIONER CONTENDS BEING PLACED IN AD-

1 SEG IS A CIRCUMSTANCE BEYOND HIS CONTROL
2 IS MISPLACED.

3
4 PETITIONER REQUEST THE COURT TO
5 CAREFULLY REVIEW HIS CLAIMS, TAKING
6 INTO CONSIDERATION THAT RESPONDENT
7 MISSTATES, SOME OF THE FACTS OF
8 PETITIONER'S CONTENTIONS RECOGNIZING
9 THE FACT THAT PETITIONER IS A LAYMAN
10 OF LAW AND A REVIEW OF HIS CLAIMS
11 ON HABEAS WILL SHOW SOME OF THEM
12 TO BE VAGUE AND INCONCLUSIVE.

13
14
15 CONCLUSION

16
17 ACCORDINGLY PETITIONER RESPECTFULLY
18 REQUESTS THAT THIS COURT DENIES
19 RESPONDENTS MOTION TO DISMISS.

20
21
22 RESPECTFULLY SUBMITTED
23 
24 DAYLEN JASON HUGHES
25
26
27
28

VERIFICATION

STATE OF CALIFORNIA
COUNTY OF KINGS

(C.C.P. SEC. 446 & 2015.5; 28 U.S.C. 1746)

I, Daylen J. Hughes DECLARE UNDER PENALTY OF PERJURY THAT:
I AM THE Detentioner IN THE ABOVE ENTITLED ACTION. I HAVE
READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND
THE SAME IS TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED
THEREIN UPON INFORMATION, AND BELIEF, AND AS TO THOSE MATTERS, I
BELIEVE THEM TO BE TRUE.

EXECUTED THIS Fourth DAY OF April 2008
AT CORCORAN, CALIFORNIA.

(SIGNATURE) 

(DECLARANT/PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC. 1013 (a) & 2015.5; 28 U.S.C. SEC. 1746)

I Daylen J. Hughes AM A RESIDENT OF Kings County
STATE OF CALIFORNIA, I AM OVER THE AGE OF
EIGHTEEN (18) YEARS OF AGE AND AM / A PARTY OF THE ABOVE INTITLED
ACTION. MY ADDRESS IS P.O. BOX 3471, CORCORAN, CA. 93212.

ON April 4th 2008, 2008 IS SERVED THE FOREGOING.

(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

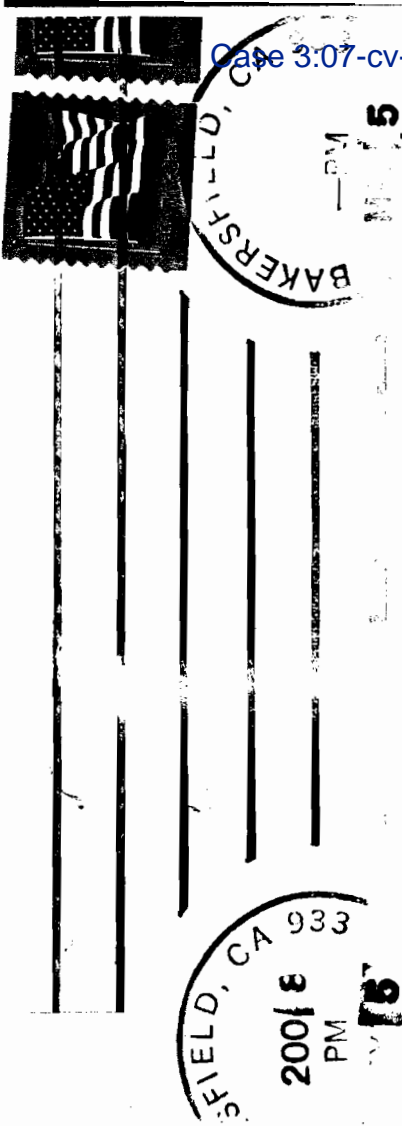
~~ON THE PARTY(S) HEREIN BY PLACING A TRUE COPY(S) THEREOF, ENCLOSED IN A
SEALED ENVELOPE(S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES
MAIL, IN A DEPOSIT BOX SO PROVIDED AT CORCORAN STATE PRISON.~~

~~THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED,
AND THERE IS REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING
AND THE PLACE SO ADDRESSED, I DECLARE UNDER PENALTY OF PERJURY THAT THE
FOREGOING IS TRUE AND CORRECT.~~

DATE: _____, 200 8.

(DECLARANT/PRISONER)

Darren Tamm 11.11.11
3002
P.O. Box 5711
Corcoran, Ca 92212



U.S. District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, Ca 94102

JP

Confidential Legal Mail

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PRISON